

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

_____)	
MARGETTA LANGLOIS,)	
)	
Plaintiff,)	CIVIL ACTION: 04-CV11588
)	
v.)	
)	
SAMUEL POLLACK,)	
MICHAEL HUGO,)	
ALBERT FLANDERS)	
)	
Defendants.)	
_____)	

PLAINTIFF'S MOTION TO AMEND TRACKING SCHEDULE

NOW COMES the Plaintiff Margetta Langlois and moves this Honorable Court to extend the time within which to complete discovery until June 30, 2005. The Plaintiff further requests a modification of the pretrial and trial schedule. In support, the Plaintiff states as follows:

1. The Plaintiff in this action is pursuing an action in legal malpractice against her former attorneys, the Defendants.
2. On October 22, 2004, this Honorable Court adopted the scheduling statement provided by the Defendants, adopting paragraphs 1 a-g. See attached pretrial scheduling statement, Exhibit 1.
3. Paragraph 1-d of the adopted scheduling statement states: "The parties may request permission to serve more than 25 interrogatories."
4. The final pretrial conference is scheduled for June 9, 2005.
5. A trial is scheduled for June 20, 2005.

6. The Defendants sought a motion to amend the tracking schedule in this action on January 31, 2005, which this Honorable Court granted.
7. Further, on February 17th, 2005 this Honorable Court issued an order that the Plaintiff file a motion to compel by March 2, 2005, if the Plaintiff sought more detail from the Defendants in their answers to Plaintiff's interrogatories.
8. On March 11, 2005, the Plaintiff retained legal counsel in this matter for the first time, and counsel requires additional time to prepare Plaintiff's case for trial or settlement.
9. Since being retained by Plaintiff, counsel for Plaintiff has acted in good faith and has made every reasonable attempt to provide the requested discovery to Defendants in an efficient and timely manner.
10. Similarly, Plaintiff's counsel has sought both mandatory and requested discovery from the Defendants which is still outstanding, but finds said requests have been hindered by Defendants' apparent unwillingness to cooperate.
11. On May 5, 2005, the Plaintiff served the Defendants with additional interrogatories.
12. The Defendants have objected to the additional interrogatories despite paragraph 1-d of the scheduling statement which they submitted to this Court.

13. On May 9, 2005 Plaintiff's counsel and the Defendants held a telephone conference pursuant to Local Rules 7.1 and 37.1 of the United States District Court for the District of Massachusetts to discuss amending the tracking schedule to permit additional discovery. Defendants Michael Hugo and Samuel Pollack participated in the telephone conference call.
14. The parties reached agreement that the deposition of the Plaintiff would resume on May 19th, 2005 at 10:00 a.m.
15. The parties reached agreement that the Plaintiff would be available for a mental examination by a doctor of the Defendants' choosing on May 20th, 2005.
16. The parties were unable to reach agreement on the outstanding initial required disclosures still outstanding on the part of all the Defendants, which must be provided as required by the United States District Court Federal Rules of Civil Procedure rule 26(a).
17. The parties all understand that the Plaintiff will therefore seek, in addition to this motion to amend the tracking schedule, a motion to compel further discovery.
18. Additionally, the Plaintiff will be undergoing surgery in Florida on June 2, 2005 to remove silicone breast implants and will be unable to travel to Massachusetts for several weeks following the surgery. A letter from Plaintiff's treating physician is attached hereto as Exhibit 2.

REQUEST FOR ORAL ARGUMENT

19. The Plaintiff believes that oral argument may assist this Honorable Court and wishes therefore to request an opportunity to be heard by oral argument.

Wherefore, for the foregoing reasons the Plaintiff, Margetta Langlois respectfully requests that this Court amend the Tracking schedule to permit additional time for discovery and to reschedule the final pretrial conference and the trial date as necessary.

Date: May 23, 2005

Respectfully Submitted,
Margetta Langlois,

/s/ Susan J. Pope
By Her Attorney,
Susan J. Pope, Esq.
BBO# 661202
1094 Essex Street
Bangor, ME 04401

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CERTIFICATION

I, Susan J. Pope, certify that on May 9, 2005, I spoke with the Defendants Michael Hugo and Samuel M. Pollack in a telephone conference.

1. The parties agreed to continue the deposition of Plaintiff Margetta Langlois on May 19, 2005 at 10:00 a.m. at the offices of Pollack & Flanders.
2. The parties further agreed that the Plaintiff would be made available for a mental examination by a doctor of the Defendants' choosing on May 20th, 2005.
3. The Plaintiff requested all required initial disclosures and answers to Plaintiff's second set of interrogatories submitted to the Defendants on May 5, 2005, which the Defendants have yet to comply with.

4. The Plaintiff has made a good faith effort to meet and confer with the Defendants to narrow the discovery issues and scheduling issues still outstanding.

Dated: May 23, 2005

Respectfully submitted,

/s/ Susan J. Pope
Susan J. Pope, Esq.
BBO# 661202
1094 Essex Street
Bangor, ME 04401

CERTIFICATE OF SERVICE

I, Susan J. Pope, counsel for the Plaintiff, certify that I have this 23rd day of May, 2005, served a true copy of the following documents

1. Motion to Amend Tracking Schedule
2. Motion to Compel Production of Documents and Further Answers to Interrogatories Addressed to Defendants.
3. Certification of Compliance with Local Rules

on the Defendants by delivering a copy of the same by mail, postage prepaid to:

Samuel M. Pollack
50 Congress Street
Boston, MA 02109

Albert Flanders
50 Congress Street
Boston, MA 02109

Michael Hugo
95 Commercial Wharf
Boston, MA 02110

Signed under the pains and penalties of perjury.

/s/ Susan J. Pope
Susan J. Pope, Esq.
BBO#661202
1094 Essex Street
Bangor, ME 04401